

Jeffrey N. Pomerantz, Esq. (admitted *pro hac vice*)
Andrew W. Caine, Esq. (admitted *pro hac vice*)
Beth Levine, Esq. (admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telecopy: (310) 201-0760

Lynn L. Tavenner, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
David N. Tabakin, Esq. (VA Bar No. 82709)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telecopy: (804) 783-0178

*Counsel for the Circuit City Stores, Inc.
Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:	Chapter 11
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	Case No. 08-35653-KRH
Debtors.	(Jointly Administered)

NOTICE OF SUBSTANTIVE HEARING

**(Liquidating Trust's Fifteenth, Thirty-Ninth, Forty-Third, and Sixty-Fourth
Omnibus Objections to Claim Numbers 9707 and 9407)
(Claimants – Bank of America, N.A. (“BANA”), successor by merger to LaSalle Bank N.A.
(f/k/a LaSalle National Bank), as Trustee for the Registered Holders of GMACCM
Mortgage Pass-Through Certificates, Series 1997-C1 and CC Lafayette, LLC (“CCL”))**

PLEASE TAKE NOTICE that Circuit City Stores, Inc. Liquidating Trust (the “Trust”), by counsel, of the above referenced estates of Circuit City Stores, Inc. *et al.* (collectively, the “Debtors”) will seek to have the Court (a) reduce and allow claim number 9707 (the “GUC Claim”) as a general unsecured claim in the amount of \$629,471.36, which amount was negotiated with Capmark Finance, Inc. (“Capmark”), on behalf of BANA, with all other amounts disallowed, (b) expunge claim number 9407 held by CCL, and (c) determine whether BANA or CCL is the proper holder of the GUC Claim. Claim numbers 9707 and 9407 are further identified in the *Liquidating Trustee's Fifteenth, Thirty-Ninth, Forty-Third, and Sixty-Fourth Omnibus Objections to Claims* (the “Claim Objection”). Docket Nos.

10053, 11850, 11854, and 12246. The relief sought as identified herein is based upon information received from you in response to the Claim Objection and/or the Debtors' books and records.

PLEASE TAKE FURTHER NOTICE THAT the Court will hold a hearing and receive evidence on the Claim Objection on **April 5, 2017 at 2:00 p.m.**, (or such time thereafter as the matter may be heard) and the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219.

PLEASE TAKE FURTHER NOTICE THAT **the undersigned will present evidence, if necessary, on April 5, 2017 at 2:00 p.m., seeking to have the Court (a) reduce and allow the GUC Claim in the amount of \$629,471.36, which amount was negotiated with Capmark, on behalf of BANA, with all other amounts disallowed, (b) expunge claim number 9407 held by CCL, and (c) determine whether BANA, or CCL is the proper holder of the GUC Claim.**

PLEASE TAKE FURTHER NOTICE THAT if you do not want the Court to grant the relief described herein, **you must (1) on or before March 31, 2017, file a (A) notice of your intent to attend the hearing and (B) summary of the position you will advocate at the hearing with the Court at:**

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street - Room 4000
Richmond, Virginia 23219

and (2) attend the hearing on April 5, 2017 at 2:00 p.m.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Dated: March 14, 2017

/s/ Paula S. Beran

Lynn L. Tavenner, Esq. (VA Bar No. 30083)

Paula S. Beran, Esq. (VA Bar No. 34679)

David N. Tabakin, Esq. (VA Bar No. 82709)

TAVENNER & BERAN, PLC

20 North Eighth Street, 2nd Floor

Richmond, Virginia 23219

Telephone: 804-783-8300

Facsimile: 804-783-0178

Email: ltavenner@tb-lawfirm.com

pberan@tb-lawfirm.com

dtabakin@tb-lawfirm.com

-and-

Jeffrey N. Pomerantz, Esq. (admitted *pro hac vice*)

Andrew W. Caine, Esq. (admitted *pro hac vice*)

PACHULSKI STANG ZIEHL & JONES LLP

10100 Santa Monica Blvd., 11th Floor

Los Angeles, California 90067-4100

Telephone: 805-123-4567

Facsimile: 310/201-0760

E-mail: jpomerantz@pszjlaw.com

acaine@pszjlaw.com

Counsel for the Circuit City Stores, Inc.

Liquidating Trust

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Substantive Hearing was served on March 14, 2017 via electronic delivery to all of the parties receiving ECF notice in this bankruptcy case and via first-class mail, postage prepaid, on the following:

Bank of America National Association
Successor By Merger
to LaSalle Bank National Association fka
LaSalle National Bank
Peyton Inge
c/o Capmark Finance Inc
700 N Pearl St Ste 2200
Dallas, TX 75201

Robert Edwards, Esq.
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, MO 64112

CC Lafayette LLC
c/o Eric J. Rietz, Esq.
Vedder Price P.C.
222 N. LaSalle Street, Ste 2600
Chicago, IL 60601

CC Lafayette LLC
Attn: Eric J. Rietz, Esq.
c/o Priscilla Reitz
1355 Lemond Road
Owatonna, MN 55060

Eric Rietz: ejrietz@gmail.com
Joel Rietz: buyland7@yahoo.com

Berkadia Commercial Mortgage, LLC
successor-in-interest to Capmark Finance,
Inc., on behalf of Bank of America, N.A., as
successor by merger to LaSalle Bank, N.A.
f/k/a LaSalle National
c/o Bryan Cave LLP
Attn: Keitha M. Wright, Esq.
2200 Ross Avenue, Suite 3300
Dallas, TX 75201

Capmark Finance, Inc. on behalf of Bank of
America, N.A.
c/o Philip J. Meitl, Esq.
Nikki Ott, Esq.
Bryan Cave LLP
1155 F Street NW, Suite 700
Washington, DC 20004

/s/ Paula S. Bearn
Paula S. Beran (VA Bar No. 34679)